

REMARKS

This amendment is in response to the final action of June 1, 2007 in which claims 1-32 were rejected and is also in response to the Advisory Action of October 16, 2007. The various typographical errors corrected by the amendment after final were not entered by the Examiner and have been incorporated above along with a more extensive amendment as explained below. Also, the timer “means” of claim 12 has been replaced with a timer -- device--. Reconsideration is requested in light of the remarks that follow.

Regarding the obviousness rejection of claims 1-4, 6-14, 21-22 and 26-32 on the basis of *Averbuch et al* (US 5,689,825) in view of *Kahn* (US 6,505,055), the claims have been amended extensively to make it clear that the task is a data file transfer carried out over an air interface.

The *Averbuch et al* reference teaches away from such tasks (see column 1, lines 44-61, column 2, lines 35-36, and column 6, lines 46-50 and lines 56-61) and teaches to instead carry out such tasks over a wired network. Such a person believes it is undesirable to try to use a mobile terminal to carry out such tasks and since such a person would be trying to avoid same, it would not occur to such a person to use the mobile terminal to try perform such tasks over the air interface while coupled to a charging device.

The Advisory Action hints by implication that *Averbuch et al* discloses the feature of “*receiving in a mobile wireless communication terminal one or more instructions to respectively perform one or more tasks concerning data file transfer over an air interface that can be executed in said terminal with a delay*”

from amended independent claim 1.

If amended claim 1 is loosely interpreted, the flags in *Averbuch et al* could correspond with “instructions”. However, those flags indicate the availability of the updated software, not a task concerning data file transfer over an air interface.

In *Averbuch et al* the download process is performed through a land based public communication network, while in amended claim 1 data files are transferred over the air interface.

In addition, despite the statement, there is nothing to execute according to the instructions in a portable wireless communication unit (PU) with a delay. Whereas, in a battery charger/software downloader (BC/SD) is delayed (concluded) a download process and the flags in the PU still indicate the availability of the updated software.

Thus, *Averbuch et al* does not reveal the amended feature of the receiving.

The Advisory Action also presents that *Averbuch et al* discloses the feature of “*checking in said terminal whether said terminal is coupled to a charging device*”

According to *Averbuch et al* the PU does not check whether it is coupled to the BC/SD. On the contrary, the BC/SD only determines if a flag is set in the PU and it can access directly or in co-operation with the processing unit of the PU to the memory of the PU to determine if the flag is set (column 4, lines 54-67).

So, *Averbuch et al* do not reveal the feature of the checking.

Consequently, *Averbuch et al* do not disclose

“*A method, comprising:*

receiving in a mobile wireless communication terminal one or more instructions to respectively perform one or more tasks concerning data file transfer over an air interface that can be executed in said terminal with a delay,

storing said instructions in said terminal,

checking in said terminal whether said terminal is coupled to a charging device, and

executing in said terminal said data file transfer tasks over said air interface upon

recognizing an electrical connection between said terminal and said charging device

wherein said execution of said tasks in said terminal is postponed to a later point in time.”

In *Kahn* is described a digital organizer unit that is designed to attach to a cellular phone like an auxiliary battery and interface with the phone through the contact points of the phone.

Even if combining the teachings of *Kahn* with *Averbuch et al*, “the combination” still lacks at least the above-mentioned features of the receiving and checking.

Therefore, it does not also disclose a method according to amended independent claim 1.

In view of the foregoing amendment, reconsideration is requested and withdrawal of the obviousness rejection of claims 1-4, 6-14, 21-22 and 26-32.

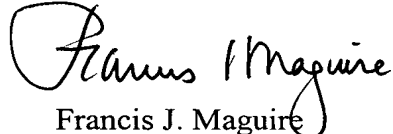
Regarding the obviousness rejection of the dependent claims 15-16 and 23-25 based on *Averbuch et al* in view of *Cannon et al* (US 2001/0055978), these are at least patentable for the same reasons as given above and withdrawal of the obviousness rejection is also requested.

Regarding the obviousness rejection of claims 17-20 based on *Averbuch et al* in view of *Nishiyama* (US 5,511,240), these are at least patentable for the same reasons as given above and withdrawal of the obviousness rejection is also requested.

Regarding the obviousness rejection of claim 5 based on *Averbuch et al* in view of *Desai* (US 5,991,635), it is at least patentable for the same reasons as given above and withdrawal of the obviousness rejection is also requested.

The objections and rejections of the final action of June 1, 2007, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of amended claims 1-32 to issue is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, reading "Francis J. Maguire". The signature is written in a cursive style with a large, looped initial "F".

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